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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA  
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9 United States of America, ) CR 09-317-PHX-FJM  
10 Plaintiff, ) **ORDER**  
11 vs. )  
12 )  
13 Vassel et al, )  
14 Defendant. )  
15 \_\_\_\_\_ )  
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17 The court has before it defendant Spence's Motion to Quash and Dismiss Indictment  
18 (doc. 162), Vassel's Joinder (doc. 163), Anderson's Joinder (doc. 167), Godinez' Joinder  
19 (doc. 174), Powell's Joinder (doc. 171), Relf's Joinder(doc. 173), the Government's  
20 Response to Spence's Motion (doc. 178), the Government's Response to Relf's Joinder (doc.  
21 182), and Relf's Reply (doc. 183).

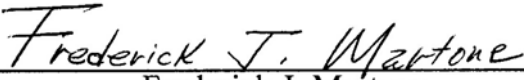
22 Spence contends that Lehrman's lying before the grand jury in Louisiana infects his  
23 testimony before the grand jury here. He does, however, concede that he has no evidence  
24 of perjury on Lehrman's part in the grand jury here. Relf contends that there is no evidence  
25 to support Lehrman's testimony before the grand jury that she knew the source of the funds  
26 deposited to her account. She further contends that his perjured testimony in Louisiana taints  
27 his testimony here.

28 The Government contends that all of Lehrman's testimony has independent

1 verification, and that there are no misrepresentations in it. It further contends that the activity  
2 in Relf's account raises the inference that she knew the source of the funds. It also asserts  
3 that wiretap evidence shows that Relf controlled the account.

4 On the assertions here, we cannot say that Lehrman lied before this grand jury. Nor  
5 are we prepared to say that his lying before the Louisiana grand jury necessarily taints his  
6 testimony here. Liars sometimes lie and sometimes tell the truth. We can say that there is  
7 no evidence to suggest the prosecutor misled the grand jury here. Moreover, the government  
8 has fulfilled its disclosure obligations and will not be calling Lehrman as a witness in these  
9 cases. For all these reasons, it is ORDERED DENYING the Motion to Quash and Dismiss  
10 Indictment(doc. 162), and all the Joinders in it.

11 DATED this 13<sup>th</sup> day of May, 2010.

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 Frederick J. Martone  
United States District Judge  
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